

ORDINANCE NO. 1634

AN ORDINANCE ADOPTING THE HOUSING EFFICIENCY MEASURES: COTTAGE CLUSTER DEVELOPMENT AND DESIGN STANDARDS 16.21, PLANNED UNIT DEVELOPMENT CODE UPDATES CHAPTER 16.74 AND 16.76, LOW DENSITY RESIDENTIAL CHAPTER 16.16, AND MEDIUM DENSITY RESIDENTIAL CHAPTER 16.18, AS PART OF THE CITY OF CANBY CODE (TA 24-02)

WHEREAS, the City Council accepted the Housing Efficiency Measures on November 6, 2024, including new Canby code and revised Canby code;

WHEREAS, there is a state requirement that Housing Efficiency Measures be adopted in order to permit residential urban growth boundary expansion;

WHEREAS, the adopted Canby Housing Needs Analysis identifies a 73-acre urban growth boundary need after factoring the proposed Housing Efficiency Measure code changes;

WHEREAS, Oregon State Department of Land Conversation and Development provided an October 11, 2024 letter of support for the Housing Efficiency Measures; and


WHEREAS, the planning commission recommended unanimous approval of the Housing Efficiency Measures on October 14, 2024; and

WHEREAS, a staff report with appropriate findings has been prepared showing consistency of the Housing Efficiency Measures with the Canby Comprehensive Plan, Canby Municipal Code and statewide planning goals.

NOW, THEREFORE, THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The City of Canby City Council hereby adopts the Housing Efficiency Measures and amends the Canby Municipal Code as described in Exhibit A, which is attached to this ordinance and is incorporated by reference.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, November 6, 2024 ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, November 20, 2024 commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.



Maya Benham, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 20th day of November, by the following vote:

YEAS 6

NAYS 0



Brian Hodson
Mayor

ATTEST:



Maya Benham, CMC
City Recorder

KEY

Proposed New Text = Red Underlined

Proposed Removed Text = ~~Red Underlined and Strikethrough~~

Chapter 16.16

R-1 LOW DENSITY RESIDENTIAL ZONE

Sections:

16.16.010 Uses permitted outright.

16.16.020 Conditional uses.

16.16.030 Development standards.

16.16.010 Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

- A. Single-family dwelling; one single-family dwelling per lot;
- B. Duplex, subject to the standards in Chapter 16.81;
- C. Cottage cluster development, subject to the cottage cluster development and design standards of Chapter 16.21.080;
- D. Vegetable gardens, orchards and crop cultivation for personal use only, including greenhouses. No large-scale commercial sale of produce is permitted unless continued as a non-conforming use that was in place prior to the existing zoning designation. Keeping of animals other than domestic pets requires a special permit from the City Administrator unless a continuation of a non-conforming agriculture use.
- E. Accessory uses and/or accessory structures;
- F. Accessory dwelling, subject to review and approval through a Type 1 procedure (pursuant to Chapter 16.89.030) and must conform to the following standards:
 - 1. Compliance with the Oregon Structural Specialty Code;
 - 2. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to a primary dwelling (e.g. an addition or the conversion of an existing floor).

3. A detached accessory dwelling may not exceed 800 square feet of floor area or 75% of the primary dwelling's floor area, whichever is smaller.
 4. Accessory dwellings that result from the conversion of a level or floor (e.g. basement, attic, or second floor) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
 5. Accessory dwellings must meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
 - a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity; and
 - b. Chapter 16.21, Residential Design Standards do not apply; and
 - c. An additional on-site parking space shall not be required but may be provided.
- G.** Day care facility in a residential home, with twelve (12) or fewer children;
- H.** Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;
- I.** Minor public facilities;
- J.** Manufactured home - with the following additional approval criteria:
1. Must be double-wide or wider and must enclose at least 1,000 square feet.
 2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.
 3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
 4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.
 5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.
 6. Must not have bare metal siding or roofing.
- K.** Home occupations which meet the strict definition of section 16.04.240.
- L.** Residential Home/Adult Foster Home - for five or fewer individuals. (Per ORS 197.665).

M. Foster Care Home; as defined in Section 16.04

N. Uses permitted outright with a planned unit development. The following uses are permitted outright if approved as a part of a planned unit development in accordance with section 16.76.

1. Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of six dwellings. If more than one group of dwellings is developed than a ten foot distance shall be maintained between an adjacent group of dwellings.

16.16.020 Conditional uses.

Conditional uses in the R-1 zone shall be as follows:

A. Cemetery;

B. Church;

C. Day care facility, other than a residence or caring for more than twelve (12) children;

D. Hospital;

E. Nursing home

F. School;

G. Major public facilities;

H. Golf courses, public or private, with facilities and structures that are associated with the use;

I. Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;

J. Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;

K. Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;

~~L. One two family dwelling (duplex) where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;~~

M. One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;

N. Bed and Breakfast;

O. Residential Facility - for six to fifteen individuals (Per ORS 197.667(4) and 443.400 (8))

P. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.

Q. Other developments customarily found within a residential zone, as determined by the Planning Commission.

R. Detached accessory structure (not dwelling) up to twenty-two feet high which is located outside the allowed building footprint area for the principal structure and which does not meet the step-up height standard described in 16.16.030(E)(2)(b). (Ord. 890 section 16, 1993; Ord. 740 section 10.3.18(B), 1984; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007; Ord. 1514, 2019)

16.16.030 Development standards.

The following subsections indicate the required development standards of the R-I zone. Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in section 16.21.080.

A. Minimum and maximum lot area:

1. For single family dwellings: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks.
2. For townhouse dwelling units having common wall construction and developed as a part of a planned unit development:

- a. 1,800 square foot minimum lot size.

3. Density. There is no minimum density. The maximum density for all residential uses is 6 units per acre.

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:

- a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

- b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

- c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

- d. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.

1. Exception. The minimum width and frontage for single family attached (common wall) townhouse lots is twenty feet.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.
4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.
5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.
2. Detached accessory structure:
 - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
 - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
 - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and covered patios if patio posts still comply with required five foot setbacks.

4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

5. Townhouse (common wall) development shall not exceed six attached dwellings if developed as a part of a planned unit development. If more than one group of

REVISED 9/03/2024.

six dwellings are constructed, then the groups shall be separated by not less than ten (10) feet. Townhouse units are encouraged to be alley loaded when possible.

KEY

Proposed New Text = Red Underlined

Proposed Removed Text = ~~Red Underlined and Strikethrough~~

Chapter 16.18

R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

- 16.18.010** Uses permitted outright.
- 16.18.020** Conditional uses.
- 16.18.030** Development standards.

16.18.010 Uses permitted outright.

Uses permitted outright in the R-1.5 zone shall be as follows:

- A.** Uses permitted outright in the R-1 zone;
- B.** Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)
- C.** Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of ~~three~~ six dwelling units. If more than one group of dwellings is developed then a ten foot distance shall be maintained between an adjacent group of dwelling units. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)
- D.** Four-family dwellings, one fourplex on each lot.

16.18.020 Conditional uses.

Conditional uses in the R-1.5 zone shall be as follows:

- A.** Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;
- B.** ~~Four family dwellings. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)~~

16.18.030 Development standards.

The following subsections indicate the required development standards of the R-1.5 zone.

Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in Section 16.21.080.

A. Minimum and maximum lot area:

1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.
2. For townhouse dwelling units having common wall construction: ~~three thousand (3000) square foot minimum lot size.~~
 - a. 3,000 square foot minimum lot size.
 - b. 1,800 square foot minimum lot size if approved as a part of a planned unit development in accordance with section 16.76.
3. Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.
4. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:
 - a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;

b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used; and

2. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of over-sized lots (six thousand five hundred square feet and larger), when such re-division would violate the average lot size provision in subsection 16.18.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

3. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.18.030.B.1.a.

4. The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

5. The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

C. Minimum width and frontage: forty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access. Twenty feet is permitted for single family attached (common wall) housing ~~on~~ interior lots.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply. Utility easements may only be reduced with the approval of all utility providers.

5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.
2. Detached accessory structure:
 - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
 - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
 - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.
 - d. Detached accessory structures over twenty-two feet tall are not permitted.
3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1.5 zone shall be 70 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surface include, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.
2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval

by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.
2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.
3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and patio covers, if the patio posts still comply with required setbacks.
4. Accessory buildings shall not have a larger footprint than the primary building.
5. Townhouse (common wall) development shall not exceed six attached dwellings in a group as defined in Chapter 16.04.195. If more than one group of six dwellings is constructed, then the groups shall be separated by no less than ten feet. Townhouse units are encouraged to be alley loaded when possible.

[New Section] 16.21.080 Cottage Cluster Development and Design Standards.

- A. Purpose.** The purpose of these standards is to promote more affordable fee in common or fee ownership housing options within Canby. Additionally, they are designed to promote quality development, a sense of openness and community, and enhance livability and walkability. These standards are also intended to encourage cottage cluster developments that are compatible with existing and future residential development within the R-1 and R-1.5 zones.
- B. Applicability.** These standards apply to all new cottage cluster developments as defined by section 16.04.
- C. Permitted Use.** Cottage Cluster developments are permitted outright within the R1 and R1.5 zones. Cottage Cluster developments may be permitted as a standalone development or as part of a Planned Unit Development in accordance with 16.72, PUD applications.
- D. Approval Process.** Cottage cluster developments are a Type 3 Site and Design Review application, approved in accordance with Chapter 16.49, Site and Design Review. Cottage cluster developments within a PUD are subject to Chapter 16.72, PUD Applications. Cottage cluster developments proposed to be subdivided may be approved in accordance with Chapter 16.62, Subdivisions as a Type 3 process.
1. Cottage cluster developments are exempt from the following sections of Chapter 16.49, Site and Design Review:
 - a. Section 16.49.040.B.5, Site Design Review Menu;
 - b. Section 16.49.080.C, minimum landscaping standards; and
 - c. Section 16.49.120, parking lot landscaping standards.
 2. Covenants, easements or other recorded documents shall be provided to the City prior to certificate of occupancy of the first unit, or prior to the final plat if the cottage cluster is proposed to be subdivided, addressing access and maintenance of all shared common areas or common facilities including, but not limited to, storm sewers and stormwater facilities, drainage ways, open space, landscaping, and shared parking facilities.
- E. Development Standards.** The following development standards apply to all cottage cluster developments and supersede the development standards of the underlying zone unless stated otherwise.
1. *Density.* The minimum density of any cottage cluster development is 6 units per acre. There is no maximum density standard, provided the cottage cluster development is designed to conform with the requirements of this section.

2. *Lot Area.* There is no minimum or maximum lot area standard, provided the cottage cluster development is designed to conform with the requirements of this section.
3. *Minimum Perimeter Yard Setback Requirements for Structures.*
 - a. Street yard: The minimum setback requirement of the underlying zone applies.
 - b. Rear yard: 10 feet
 - c. Side yard 5 feet
4. *Number of Cottages.* Cottage housing units shall be developed in clusters of a minimum of four (4) units per cluster. There is no maximum, provided one (1) common courtyard, consistent with the standards of section 16.21.080(F)(3), is provided for every 12 cottages.
5. *Building Separation.* Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be three (3) feet.
6. *Building Height.* The maximum building height for all structures is 28 feet.
7. *Unit Size.* Each cottage's total floor area shall be a minimum of 600 square feet and shall not exceed a maximum of 1,200 square feet. Per section 16.21.080(F)(6)(e)(ii) of this chapter, individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area.
8. *Maximum Impervious Surface.* The maximum impervious surface standard of the underlying zone applies.
9. *Off-Street Parking.* At least two (2) off-street parking space shall be provided per cottage dwelling unit. Off-street parking shall be designed in accordance with section 16.10.070, Parking Lots and Access, and section 16.21.080(F)(5).
 - a. If a cottage cluster development fronts on a street that does not allow on-street parking, at least two (2) guest parking spaces shall be provided on site for every four (4) cottage dwelling units.
 - b. If a cottage cluster development fronts on a street that allows on-street parking, there is no guest parking requirement.
10. *Access Requirements.* Cottage cluster developments are permitted to have more than one driveway access provided applicable access spacing standards are met.

F. Design Standards. The following design standards apply to all cottage cluster developments. No other design standards shall apply to cottage clusters unless noted in this section. Where there is a conflict between these standards and the standards of other sections of this code, the standards of this section shall control.

1. *Cottage Design Standards.* All cottages and community buildings shall incorporate four (4) of the following design features:

- a. Dormers.
- b. Gables, hip roof, or gambrel roof form.
- c. Recessed entries (minimum 2 foot recess).
- d. Covered porch entries (minimum 48 square feet, minimum 4 foot depth).
- e. Bay windows.
- f. Any eaves of 12-inches or greater.
- g. Off-set of 16-inches or greater on building face or roof.
- h. Windows and main entrance doors occupy a minimum of 15 percent of the façade, not including the roof.
- i. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
- j. Balconies or porch rail.
- k. Shakes, shingles, brick or other similar decorative materials occupying at least 60 square feet of the street-facing and courtyard-facing façade.

2. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 1 and Figure 2):

- a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and meet the following standards:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within 10 feet of the common courtyard measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.

- b. Cottages within 20 feet of a street property line may have their entrances facing the street, provided 50 percent of all cottage units within the cluster face the common courtyard.
 - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that provides a continuous and reasonably direct connection to the common courtyard.
3. *Common Courtyard Design Standards.* Each cottage cluster development must share a common courtyard in order to provide a minimum open space area for the cottage cluster development. One (1) common courtyard shall be provided for every 12 cottage units (see Figure 1 and Figure 2).
- a. The common courtyard must be a single, contiguous area.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard.
 - f. Pedestrian paths, parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
4. *Community Buildings.* Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards and may not be used as dwelling units:
- a. Each cottage cluster is permitted one community building.
 - b. A community building shall not exceed 1,400 square feet of total floor area.
 - c. Community buildings may count towards a cottage cluster's common courtyard requirement provided the standards of section 16.21.080(F)(1) are met. Only the footprint area of the community

building may count towards the common courtyard minimum area requirement.

- d. A community building cannot count for more than 75% of the common courtyard.

5. *Pedestrian Access.*

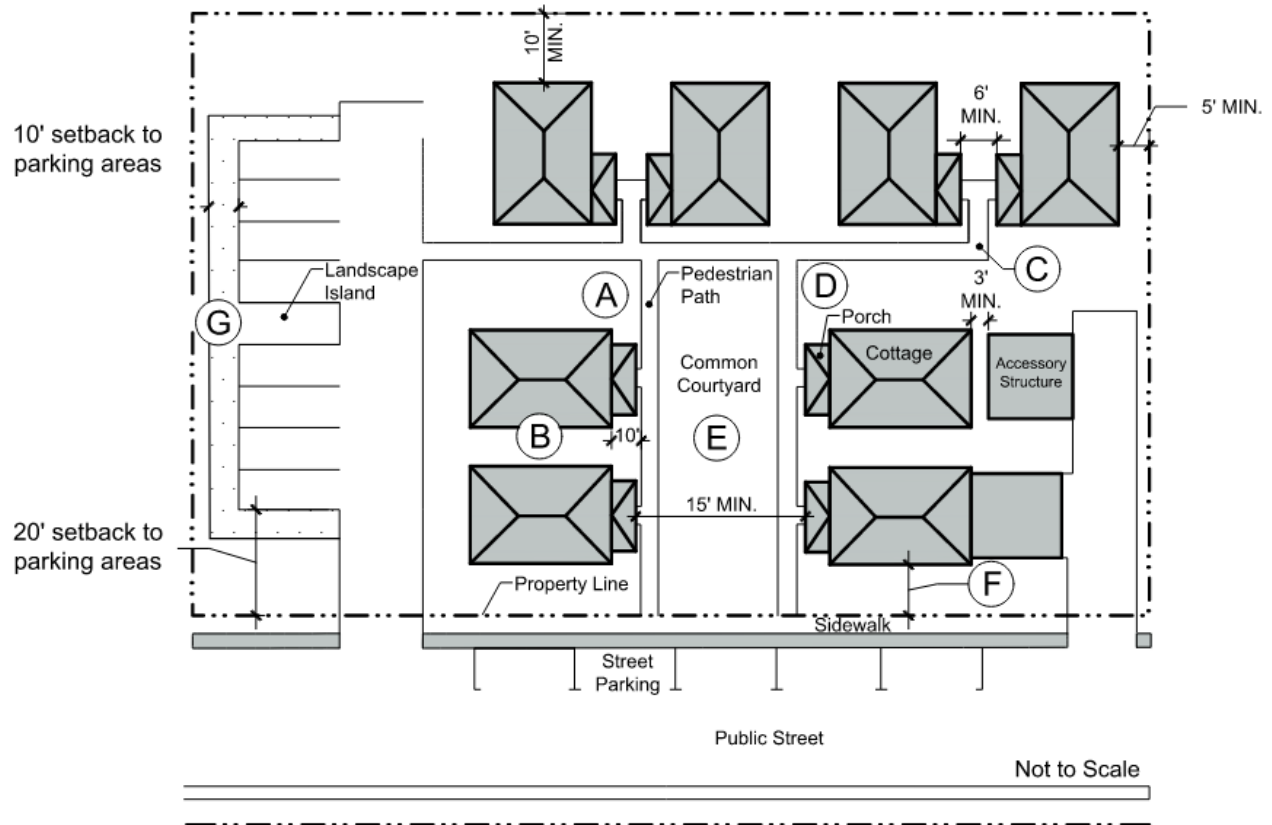
- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following (see Figure 1 and Figure 2):
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings, if provided; and
 - iv. Abutting sidewalks within the public right-of-way, or to the edge of the roadway if sidewalks along the roadway are not provided.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet in width.

6. *Parking Area Location and Design* (see Figure 1 and Figure 2).

- a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated from other clusters by at least four (4) feet of landscaping. Clustered parking areas may be covered.
- b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within 20 feet from any street property line, excluding alleys.
 - ii. Between a street property line, excluding alleys, and cottages abutting the street property line.
- c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of all property lines.
- d. Screening. Landscaping, fencing, or walls shall separate clustered parking areas and parking structures from public streets and residentially zoned properties.
 - i. When adjacent to residentially zoned properties, the landscaping, fencing, or walls must be 6 feet tall.

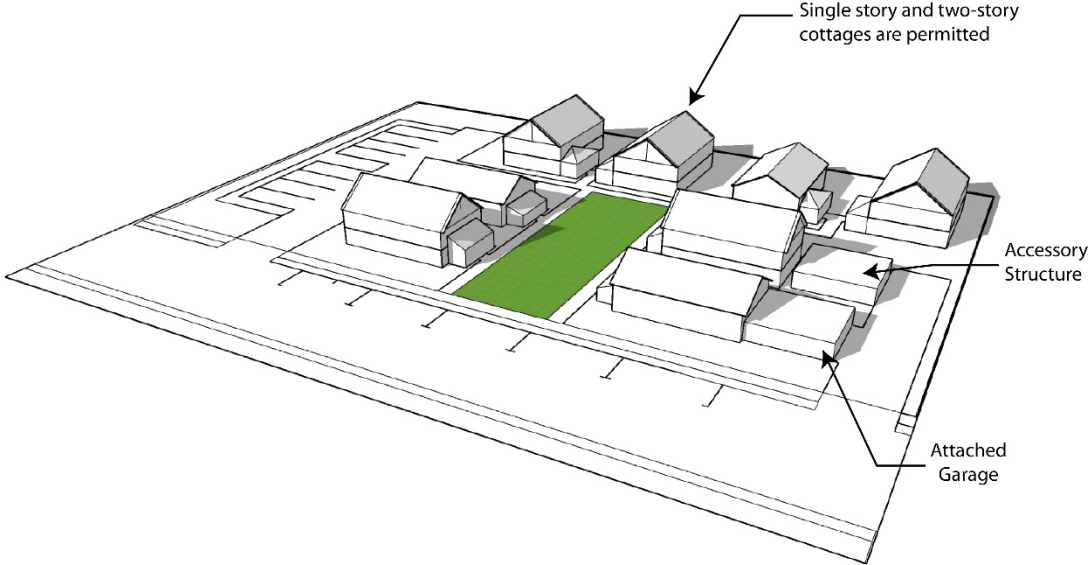
- ii. When adjacent to public streets, the landscaping, fencing, or walls must be at least 3 feet tall.
- iii. All fencing and walls must be consistent with city fencing standards in CMC 16.08.110.
- iv. All screening must comply with vision clearance.
- e. Garages and carports shall meet the following standards:
 - i. Garages and carports (whether shared or individual) must not abut common courtyards.
 - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area per section 16.21.080(E)(7) of this chapter.
 - iii. Individual detached garages must not exceed 400 square feet in floor area.
 - iv. Garage doors for individual garages must not exceed 12 feet in width.
- 7. *Existing Structures.* On a lot or parcel to be used for a cottage cluster development, a pre-existing detached single-family dwelling may remain within the cottage cluster development area and does not need to comply with the requirements of this section except for minimum separation distance requirements per section 16.21.080(E)(4) above.

Figure 1. Cottage Cluster & Common Courtyard Design Standards



- (A) A minimum of 50% of cottages must be oriented to the common courtyard.
- (B) Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C) Cottages must be connected to the common courtyard by a pedestrian path.
- (D) Cottages must abut the courtyard on at least two sides of the courtyard.
- (E) The common courtyard must be at least 15 feet wide at its narrowest width.
- (F) Front yard setback to match the minimum setback of the underlying zone.
- (G) Parking facilities shall be screened from public streets and residentially zoned properties by landscaping, fencing or walls at specific heights as noted within this code.

Figure 2. Cottage Cluster Development Concept



KEY

Proposed New Text = Red Underlined

Proposed Removed Text = ~~Red Underlined and Strikethrough~~

Chapter 16.74

USES PERMITTED

Sections:

16.74.010 Generally.

16.74.020 Uses permitted in residential zone.

16.74.030 Uses permitted in other than residential zone.

16.74.010 Generally.

In a planned unit development the uses set out in this chapter are permitted. (Ord. 740 section 10.5.30[part], 1984)

16.74.020 Uses permitted in residential zone.

In a planned unit development in a residential zone only the following uses are permitted:

A. All uses permitted outright or conditionally permitted in the underlying zone. If conditionally permitted uses are proposed within a planned unit development, the standards of Chapter 16.50 shall be met. Residential units, either detached, attached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.

B. Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.

C. Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.

D. Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds. (Ord. 740 section 10.5.30 (A), 1984)

E. All permitted and conditional residential uses allowed in any base zone in which the planned unit development is located are allowed uses throughout the planned unit development.

REVISED 11/17/2023.

16.74.030 Uses permitted in other than residential zone.

In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located. (Ord. 740 section 10.5.30(B), 1984)

KEY

Proposed New Text = Red Underlined

Proposed Removed Text = Red Underlined and Strikethrough

Chapter 16.76

REQUIREMENTS

Sections:

16.76.010 Minimum requirements.

16.76.020 General requirements.

16.76.030 Standards and criteria.

16.76.040 Exceptions.

16.76.010 Minimum requirements.

The minimum requirements for a residential planned unit development shall include the following two items:

A. Open Space. A minimum of fifteen (15) percent of the gross area of the development shall be devoted to open space and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

1. Usable Open Space. Open space areas shall be planned and improved to provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public or to residents, employees or customers in common. Examples include plazas, courtyards, private parks, sport fields and courts, and viewpoints overlooking natural resource areas.

a. The following shall not be counted towards a planned unit development's usable open space:

i. Areas of land where the average slope exceeds 20 percent where there is no associated usable amenity provided;

ii. Areas subject to the Wetland Overlay Zone (WO) per section 16.39 or the Hazard Overlay Zone (H) per section 16.40 unless the area can be improved to include usable amenities in conformance with the provisions of these

overlay zones;

- iii. Fenced surface stormwater facilities. Stormwater facilities may only be counted as usable open space if they are not fenced, include associated passive recreational amenities such as benches, viewpoints, or walking paths and are effectively incorporated into the development's overall open space design; and
- iv. Other areas determined by the review authority to be unusable for the purpose of meeting this standard.

2. Exemption. Portions of the planned unit development site used for cottage clusters do not count toward the development site's gross area for the purpose of calculating the minimum usable open space requirement for PUDs per this standard. However, common courtyards provided with cottage cluster developments per section 16.21.080(F)(2) as a part of a PUD may count towards a PUD's usable space requirement.

B. Density. The planned unit development site shall adhere to the minimum and maximum density provisions of the base zone, except where a density bonus is approved as provided in subsection B(1) below. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.64.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus.

1. Density Bonus. The planning commission may grant an increase of up to 20% beyond the maximum density of the underlying base zone if all of the following criteria are met:

- a. Existing and proposed streets within and connecting to the development site will support the proposed density;
- b. Existing and proposed water, sanitary sewer and storm drainage systems within and connecting to the development will support the proposed density;
- c. The development demonstrates innovative site design, outstanding architectural variety, and quality construction which will mitigate the increased density;
- d. The increased density will be mitigated by providing exceptional

quality and increased quantity of usable open space beyond the minimum amount required by section 16.76.010(A), and other amenities, especially active recreational areas.

- e. A minimum of five (5) percent of the planned unit development's dwelling units must be single-story units that have at least one (1) entrance accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space.

2. Exceptions.

- a. Cottage cluster units provided within a planned unit development do not count toward the maximum density standard of the underlying base zone. Cottage cluster developments proposed within a planned unit development must meet the applicable development and design standards for cottage cluster developments per section 16.21.080.

C. The density allowed in each base zone may be spread throughout the planned unit development site.

D. To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.

E. The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards.

F. (Ord. 740 section 10.5.50, 1984; Ord. 890 section 57, 1993; Ord. 1338, 2010; Ord. 1514, 2019)

16.76.020 General requirements.

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools,

- playgrounds, or otherwise dedicated or reserved for public purposes;
- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
 - C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
 - D. Types of dwellings and site locations thereof;
 - E. Proposed locations of off-street parking areas with dimensions;
 - F. Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;
 - G. The stages to be built in progression, if any;
 - H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
 - I. Table showing the density and lot coverage of the overall development;
 - J. Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)
 - K. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

16.76.030 Standards and criteria.

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.
- B. All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.

- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. Where the development is adjacent to lower intensity uses, higher intensity uses should be placed within the interior of the project. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.
- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.
- L. No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

16.76.040 Exceptions.

- A.** In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B.** Building height shall conform to the zoning district in which the development is located.
- C.** Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)